

1 RICHARD DOYLE, City Attorney (#88625)  
2 NORA FRIMANN, Chief Trial Attorney (#93249)  
3 RANDOLPH S. HOM, Senior Deputy City Attorney (#152833)  
4 RICHARD D. NORTH, Deputy City Attorney (#225617)  
5 Office of the City Attorney  
6 200 East Santa Clara Street  
7 San Jose, California 95113  
8 Telephone: (408) 535-1900  
9 Facsimile: (408) 998-3131  
10 Email: [cao.main@sanjoseca.gov](mailto:cao.main@sanjoseca.gov)

FILED FOR THE

11 Attorneys for Defendants  
12 CITY OF SAN JOSE and SON VU

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE FACILITY

16 MERCEDES MARKER,

17 Plaintiff,

18 v.

19 CITY OF SAN JOSE and SON VU,

20 Defendants.

NO.: C09-05956 RMW

**PARTIES' STIPULATION RE: EXPERT  
DISCLOSURE AND DISCOVERY;  
~~PROPOSED ORDER~~**

DATE: May 24, 2013  
(off calendar by stipulation below)  
TIME: 9 a.m.  
CTRM: 6, 4th Floor  
JUDGE: Hon. Ronald M. Whyte

**STIPULATION**

21 Plaintiff MERCEDES MARKER ("Plaintiff") and defendants CITY OF SAN JOSE  
22 and SON VU ("Defendants") (collectively the "Parties") hereby stipulate and agree as  
23 follows:

- 24 (1) Plaintiff accepts Defendants' designation of Dr. Paul C. Cassini as a Rule  
25 26(a)(2) expert in this case based upon the disclosures made to date and no  
26 further Rule 26(a)(2)(B) disclosure need be made;
- 27 (2) Plaintiff will take Dr. Cassini's deposition at his Palo Alto office on May 22,  
28 2013 at 10:00 a.m.;

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- 1 (3) On or before May 22, 2013 at 10:00 a.m., Defendants and/or Dr. Cassini will  
2 provide Plaintiff with: (a) all documents in Dr. Cassini's possession  
3 concerning the Plaintiff; and (b) all communications, including billings, if any,  
4 between Dr. Cassini and Defendants' counsel;
- 5 (4) Plaintiff will have seven business days from the date of the deposition of Dr.  
6 Cassini to designate a Rule 26(a)(2)(D)(ii) rebuttal expert to Dr. Cassini who  
7 will then be subject to deposition no later than June 12, 2013. If plaintiff  
8 designates Dr. Scott M. Taylor as a rebuttal expert, no further disclosure  
9 need be made except for a brief statement of the general substance of the  
10 rebuttal testimony Dr. Taylor is expected to give.
- 11 (5) Defendants accept Plaintiff's designation of Dr. Scott M. Taylor as a Rule  
12 26(a)(2) expert in this case based upon the disclosures made to date and no  
13 further Rule 26(a)(2)(B) disclosure need be made;
- 14 (6) Defendants will take Dr. Taylor's deposition at his Oakland office on May 31,  
15 2013 at 10:00 a.m.;
- 16 (7) On or before May 31, 2013 at 10:00 a.m., Plaintiff and/or Dr. Taylor will  
17 provide Defendants with: (a) all documents in Dr. Taylor's possession  
18 concerning the Plaintiff; and (b) all communications, including billings, if any,  
19 between Dr. Taylor and Plaintiff's counsel;
- 20 (8) Defendants will have seven business days from the date of the deposition of  
21 Dr. Taylor to designate a Rule 26(a)(2)(D)(ii) rebuttal expert to Dr. Taylor  
22 who will then be subject to deposition no later than June 12, 2013;
- 23 (9) The Parties shall cover their own deposition costs;

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(10) The May 24, 2013 hearing on Defendants' Motion to Extend Time for Expert Disclosure and Expert Discovery as to the Independent Medical Examiner Only ("Motion") is taken off calendar.

Dated: May 21, 2013

Respectfully submitted,

RICHARD DOYLE, City Attorney

By:

  
RICHARD D. NORTH  
Deputy City Attorney

Attorneys for CITY OF SAN JOSE  
and SON VU

Dated: May 21, 2013

Respectfully submitted,

Law Office of Michael Millen

By:

  
MICHAEL MILLEN

Attorney for MERCEDES MARKER

~~PROPOSED~~ ORDER

The Court has reviewed the Parties' stipulation above and hereby approves. The May 24, 2013 hearing on Defendants' Motion is taken off calendar.

Dated: May GG, 2013

  
HON. RONALD M. WHYTE